

## REMARKS

Reconsideration of this application is requested in view of the proposed amendments to the claims and the remarks presented herein. Entry of the amendment is requested under the provisions of Rule 116 as it puts the application in better condition for appeal by reducing the issues involved.

The Examiner denied entry of the amendment of January 13, 2003 on the basis that it raised new issues. The Examiner alleged that the definition of  $R_{2a}'$  and  $R_{2b}'$  are of a broader scope than that had been considered or searched. The Examiner also noted a typographical error in claim 9. The present corrects the typographical error in claim 9.

With respect to claim 11, the Examiner is completely inaccurate since the amendment of January 13, 2003 only amended claim 11 to correct the designation of  $R_{2a}'$  and  $R_{2b}'$  as requested by the Examiner. There is no additional scope within this part of claim 11. Therefore, entry of the amendment is proper for purposes of appeal. Therefore, it is requested that the present amendment which corrects the typographical error in claim 9 and the amendment of January 13, 2003 be entered since there are no new issues involved.

In view of the proposed amendment to the claims and the amendment of January 13, 2003, it is believed that the claims properly define the invention and entry of the amendment under the provisions of Rule 116 is proper for purposes of appeal at least since it reduces the issues involved.

Respectfully submitted,  
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CAM:ds  
Enclosures

**MARKED UP VERSION OF CLAIM 9 SHOWING CHANGES MADE**

**Claim 9** (thrice amended) A composition for treating acromegalia, hypophyseal adenomas and endocrinic gastroenterpancreatic tumors comprising an amount of a compound as defined in claim 10 sufficient to treat acromegalia, hypophyseal adenomas ~~and endocrinic gastroenterpancreatic tumors~~ and an [insert] inert pharmaceutical carrier.